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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,336	10/14/2003	Robert D. Keefover	DKT 03016 (BWI-00087)	1254
68945 7590 06/16/2008 WARN, HOFFMANN, MILLER & OZGA, P.C. P.O. BOX 70098 ROCHESTER HILLS, MI 48307				
EXAMINER				
AURORA, REENA				
ART UNIT		PAPER NUMBER		
2862				
MAIL DATE		DELIVERY MODE		
06/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,336

Applicant(s)

KEEFOVER ET AL.

Examiner

Reena Aurora

Art Unit

2862

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 - 9, 12 - 13, 19 - 32, 34 - 40 and 42 - 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 - 9, 12 - 13, 19 - 32, 34 - 40 and 42 - 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to amendment received on 3/17/08.

Claims 8 – 9, 12 – 13, 19 – 32, 34 – 40 and 42 – 45 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8, 9, 19 - 22 and 43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the specification for the limitation that "the supervisor circuit forcing the first or second output signals to change to a diagnostics range in response to an electrical failure with the sensor elements or the output circuits and combinations thereof".

For the purpose of examination no patentable weight is being given to the limitation "the supervisor circuit forcing the first or second output signals to change to a diagnostics range in response to an electrical failure with the sensor elements or the output circuits and combinations thereof".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8 – 9, 12 – 13 and 19 – 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Stauth et al. (6,693,419).

As to claims 8 and 19 – 42, Stauth et al. (hereinafter Stauth) discloses a proximity detector comprising a single sensor element (62, fig. 3), said single sensor element (62) providing a sensor signal that varies with the measured parameter; a first output circuit (64) responsive to the sensor signal and providing a first output signal; a second output circuit (68) responsive to the sensor signal and providing a second output signal, wherein the first and second output signals are two of multiple outputs from the single sensor element (62), and wherein the first output circuit (64) and the second output circuit (68) change the sensor signal in a different manner so that the first output signal and the second output signal change differently from each other during normal operation of the system; and a supervisor circuit (58), said supervisor circuit monitoring the sensor element and the output circuits, said supervisor circuit forcing the first or second output signals to change to a diagnostics range in response to a problem with the sensor element or the output circuits (col. 4, lines 32 - 54).

As to claims 9, 12 – 13, and 43 – 45, Stauth discloses a proximity detector comprising a single sensor element (62, fig. 3) for sensing the parameter, said single sensor element (62) providing a sensor signal; shared circuits (60) coupled to the sensor element (62), said shared circuits providing sensing system operations; a first output circuit (64) responsive to the sensor signal from the shared Circuits, said first output circuit providing a first output signal; a second output circuit (68) responsive to the sensor signal from the shared circuits (60), said second output circuit (68) providing a second output signal, wherein the first and second output signals are multiple outputs from the sensor element; and a supervisor circuit (58), said supervisor circuit monitoring the sensor element, output circuits, and the shared circuits, said supervisor circuit forcing the first or second output signals to change to a diagnostics range in response to a problem with the sensor element, the output circuits, or the shared circuits (col. 4, lines 32 - 54).

Response to Arguments

Applicant's arguments filed on 3/17/08 have been fully considered but they are not persuasive. Applicant's argument that "Rejected Claims 8, 19-22, and 43 are all independent claims which have been amended to include the limitation of the supervisor circuit changing the signals to a diagnostics range in response to an electrical failure in one or more of the sensor element or output circuits, and combinations thereof". However there is no support in the specification for this limitation.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reena Aurora whose telephone number is 571-272-2263. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2862

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Reena Aurora

/Reena Aurora/
Primary Examiner, Art Unit 2862